IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 90/2007

HANUMAN PRASAD Vs. STATE OF RAJASTHAN & ORS.

DATE: 14.03.2007

HON'BLE MR. K.S. RATHORE, J.

Mr. Anoop Dhand for the complainant-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 01.09.2006 passed by the Additional Sessions Judge (Fast Track) No.2, Sikar in Sessions Case No. 2/2006, whereby charges have been framed against the accused-respondents for the offences under Sections 447, 427, 341, 336, 323, 323/34, 325 and 325/34 IPC only instead of charges under Sections 307 and 327 IPC.

The impugned order dated 01.09.2006 passed by the Court below has been challenged by the petitioner mainly on the ground that the chargeS for the offence under Sections 307, 327 and 329 IPC should be framed against the accused-respondents in addition to the aforementioned charges and this revision petition has

been preferred by the petitioner seeking modification and alteration of the charges against the accused-respondents.

I have heard learned counsel for the petitioner, learned Public Prosecutor for the State and have also gone through the impugned order.

After lodging the complaint by the petitioner on 24.02.2006, the police registered FIR and after investigation filed charge-sheet against the accused-respondents under Sections 147, 148, 341, 323, 447, 427, 336 and 325/149 IPC. The trial Court having considered the submissions made on behalf of the parties, framed charge against the accused-respondents for the offence under Sections 447, 427, 341, 336, 323, 323/34, 325 and 325/34 IPC. So far as charge for the offence under Sections 147 and 148 is concerned, the accused-respondents have been discharged from these offences as prima-facie case under Sections 147 and 148 IPC is not made out against the accused.

Admittedly, for the offence under Sections 147 and 148 IPC, the prosecution has not been able to prove its case against the accused-respondents and, therefore, they have rightly been discharged from the aforesaid offences and the petitioner is also not aggrieved from this order discharging the accused-

respondents from the offence under Sections 147 and 148 IPC. Learned counsel for the petitioner only submits that in addition to the charges framed by the trial Court, charges under Sections 307, 327 and 329 IPC be also framed against the accused-respondents.

Having gone through the impugned order and the submissions advanced on behalf of the parties, this is not the stage to appreciate the additional charges and the impugned order dated 01.09.2006 which is under challenge in this revision petition, has rightly been passed by the Court below framing charges against the accused-respondents for the offence under Sections 447, 427, 341, 336, 323, 323/34, 325 and 325/34 IPC.

In view of these facts, I find no illegality or error apparent on the face of the record and the impugned order dated 01.09.2006 passed by the Court below requires no interference whatsoever by this Court while exercising revisionary powers.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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